

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

SURTEK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Case No. 1:25-cv-00296-ADA-SH
	§	
MOJDEH DELSHAD;	§	
MATTHEW BALHOFF;	§	
THE UNIVERSITY OF TEXAS	§	
AT AUSTIN; AND	§	
CHRISTINA MELTON	§	
CRAIN, JODIE LEE JILES,	§	
KELCY L. WARREN,	§	
KEVIN P. ELTIFE, NOLAN PEREZ,	§	
STUART W. STEDMAN,	§	
JANIECE LONGORIA,	§	
JAMES C. "RAD" WEAVER, AND	§	
ROBERT P. GAUNTT, IN THEIR	§	
OFFICIAL CAPACITY AS MEMBERS	§	
OF THE BOARD OF REGENTS OF	§	
THE UNIVERSITY OF TEXAS	§	
SYSTEM,	§	
	§	
Defendants.	§	

**PLAINTIFF SURTEK, INC.'S INITIAL DISCLOSURES**

TO: Defendants Mojdeh Delshad, Matthew Balhoff, The University of Texas at Austin, Christina Melton Crain, Jodie Lee Jiles, Kelcy L. Warren, Kevin P. Eltife, Nolan Perez, Stuart W. Stedman, Janiece Longoria, James C. "Rad" Weaver, and Robert P. Gauntt, in their official capacity as members of the Board of Regents of The University of Texas System, by and through their attorney of record, William H. Farrell, **OFFICE OF THE ATTORNEY GENERAL**, P.O. Box 12548, Capitol Station, Austin, Texas 78711; biff.farrell@oag.texas.gov

Pursuant to Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure, Plaintiff Surtek, Inc. ("Surtek") hereby submits the following Initial Disclosures.

### **PRELIMINARY STATEMENT**

These Initial Disclosures are preliminary in nature. To the best of Surtek's knowledge, information and belief, formed after reasonable inquiry, these Initial Disclosures are complete and correct as of the time they are made. Surtek reserves the right to amend and/or supplement these Initial Disclosures as additional information becomes available, as contemplated by Fed. R. Civ. P. 26(e).

By making these Initial Disclosures, Surtek does not represent that it is identifying every witness, document, or tangible thing possibly relevant to these proceedings. Surtek expressly reserves the right to identify or call as witnesses individuals in addition to those identified herein, and to identify additional documents, if it discovers that such individuals have or may have knowledge of matters not known by the individuals identified herein or that such additional documents are relevant to this action. Surtek also reserves the right to call as witnesses individuals in addition to those identified herein to the extent such witnesses are required to authenticate an exhibit offered into evidence or to establish chain of custody of an exhibit offered into evidence.

These Initial Disclosures are not intended to and do not constitute a waiver of any objections Surtek may have, now or in the future, to any discovery in this action. Surtek expressly reserves any and all objections that it has or may have in the future including, without limitation, objections based upon: (a) relevance; (b) attorney-client privilege; (c) attorney work-product; (d) any other applicable privilege or protection available under state or federal law; (e) undue burden or harassment; (f) immateriality; and/or (g) overbreadth. Surtek further reserves the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these Initial Disclosures.

### INITIAL DISCLOSURES

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that information — that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

**RESPONSE: Plaintiff discloses the name and, if known, the address and telephone number of each individual they know is likely to have discoverable information relevant to the claims and defenses of any party, as well as a brief description of the specific information that each such individual is known or believed to possess:**

Name	Contact Information	Subject Matter
Surtek, Inc. (Owners/Employees)	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850 Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	Nature and basis of Plaintiff's Claims Against the Defendant.  Plaintiff's business, contracts, customers, and trade secrets.  Lawsuit against Malcolm Pitts and pending lawsuit against Kon Wyatt.
Dr. Mojdeh Delshad	William H. Farrell Biff.Farrell@oag.texas.gov Assistant Attorney General General Litigation Division Office of the Attorney General P.O. Box 12548 Austin, Texas 78711 512-933-2650 delshad@mail.utexas.edu	Acquisition and use of Plaintiff's trade secrets by Defendants.  Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, Malcolm Pitts, Kon Wyatt, University of Kuwait, Kuwait Oil Company and Ultimate EOR.  Creation of Kuwait University Lab Services with Plaintiff's trade secrets.  The EOR industry and Defendants' activities in that space.  UT Professor and Founder of Ultimate EOR.

<b>Name</b>	<b>Contact Information</b>	<b>Subject Matter</b>
Dr. Matthew Balhoff	William H. Farrell Biff.Farrell@oag.texas.gov Assistant Attorney General General Litigation Division Office of the Attorney General P.O. Box 12548 Austin, Texas 78711 512-933-2650	<p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p> <p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, Malcolm Pitts, Kon Wyatt, University of Kuwait, Kuwait Oil Company and Ultimate EOR.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry and Defendants' activities in that space.</p>
The University of Texas at Austin	William H. Farrell Biff.Farrell@oag.texas.gov Assistant Attorney General General Litigation Division Office of the Attorney General P.O. Box 12548 Austin, Texas 78711 512-933-2650	<p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p> <p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, Malcolm Pitts, Kon Wyatt, University of Kuwait, Kuwait Oil Company and Ultimate EOR.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry and Defendants' activities in that space.</p>
Kon Wyatt III	12563 Mystic Mesa Rd. Hotchkiss, CO 80127 303-423-2574 Wyattkon3@aol.com	<p>Former employee and shareholder of Surtek.</p> <p>Plaintiff's business, contracts, customers, and trade secrets.</p>

Name	Contact Information	Subject Matter
		<p>Lawsuit against Malcolm Pitts and pending lawsuit against Kon Wyatt.</p> <p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p> <p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, Malcolm Pitts, Kon Wyatt, University of Kuwait, Kuwait Oil Company and Ultimate EOR.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry and Defendants' activities in that space.</p> <p>Surtek and KOC relationships.</p>
Dr. Malcolm Pitts	*Plaintiff does not possess the current contact information for Dr. Malcolm Pitts. If and when such information becomes available, Plaintiff will supplement these disclosures.	<p>Employee of Surtek from 1980-2022. President of Surtek from 2016-2019.</p> <p>Plaintiff's business, contracts, customers, and trade secrets.</p> <p>Lawsuit against Malcolm Pitts and pending lawsuit against Kon Wyatt.</p> <p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p> <p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, Malcolm Pitts, Kon Wyatt, University of Kuwait, Kuwait</p>

Name	Contact Information	Subject Matter
		<p>Oil Company and Ultimate EOR.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry and Defendants' activities in that space.</p>
Dr. Mohammad Al-Murayri	<p>P.O. Box 9758 Ahmadi Postal Code 61008 Kuwait +965-23871591 mmurayri@kockw.com</p>	<p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p> <p>Plaintiff's primary point of contact with Kuwait Oil Company.</p> <p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, Malcolm Pitts, Kon Wyatt, University of Kuwait, Kuwait Oil Company and Ultimate EOR.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry and Defendants' activities in that space.</p>
Kuwait Oil Company	<p>P.O. Box 9758 Ahmadi 61008 Ahmadi, Kuwait Telephone No. 00965-23989111 Fax No. 00965-23983551</p>	<p>Plaintiff's business, contracts, customers, and trade secrets.</p> <p>Lawsuit against Malcolm Pitts and pending lawsuit against Kon Wyatt.</p> <p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p>

Name	Contact Information	Subject Matter
		<p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, Malcolm Pitts, Kon Wyatt, Kuwait University, and Kuwait Oil Company.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry and Defendants' activities in that space.</p>
University of Kuwait	P.O. Box 12345 Kuwait City, KW 965-2498-8888	<p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p> <p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, University of Kuwait, and Kuwait Oil Company.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry.</p>
Kuwait University Lab Services	P.O. Box 12345 Kuwait City, KW 965-2498-8888	<p>Acquisition and use of Plaintiff's trade secrets by Defendants.</p> <p>Relationship of Defendants with Dr. Al-Murayri Mohammad Abdullah, University of Kuwait, and Kuwait Oil Company.</p> <p>Creation of Kuwait University Lab Services with Plaintiff's trade secrets.</p> <p>The EOR industry.</p>

Name	Contact Information	Subject Matter
Dr. Upali P. Weerasooriya	PGE Building 2100 Speedway Austin, Texas 78712 512-471-9605 upali@austin.utexas.edu	Worked with Dr. Delshad and Dr. Pope to form Ultimate EOR.  Knowledge regarding EOR industry and Ultimate EOR's role as competitor to Surtek.
Ultimate EOR Services, LLC	11412 Bee Cave Road, Suite 200 Austin, Texas 78738 512-263-2709	Knowledge regarding EOR industry and Ultimate EOR's role as competitor to Surtek.
Elio Dean	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850 Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	President of Surtek  Plaintiff's business, contracts, customers, and trade secrets.  Plaintiff's damages as a result of misappropriation of its trade secrets.  Acquisition and use of Plaintiff's trade secrets by Defendants.  Knowledge of EOR industry.
James Dean	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850 Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	CEO of Surtek  Plaintiff's business, contracts, customers, and trade secrets.  Acquisition and use of Plaintiff's trade secrets by Defendants.  Plaintiff's damages as a result of misappropriation of its trade secrets.  Knowledge of EOR industry.
Walker Baus	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850	Plaintiff's business, contracts, customers, and trade secrets.  Acquisition and use of Plaintiff's trade secrets by Defendants.



Name	Contact Information	Subject Matter
	Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	
Heidi Fricke	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850 Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	Surtek processes.
Jeff Hayter	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850 Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	Surtek processes.
Michael Morris	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850 Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	Surtek processes.
Kathryn Graber	Benjamin D. Evans bevans@cstrial.com Ashley N. Morgan amorgan@cstrial.com Cain & Skarnulis, PLLC 303 Colorado St., Ste. 2850 Austin, Texas 78701 512-477-5000 512-477-5011—Facsimile	Surtek processes.

<b>Name</b>	<b>Contact Information</b>	<b>Subject Matter</b>
Stan Obernyer	P.O. Box 850 Pine, CO 80470 303-838-2009 sobernyer@earthlink.net	Kuwait business practices.
Tandra Wright	tandrawright@msn.com	Contract terms with Dr. Malcolm Pitts.
Dan Wilson	337-304-6969 Daniel.wilson@us.sasol.com	Surtek processes.
Ben Carpenter	595 S. Forest Street Glendale, CO 80246 573-268-9587	Surtek processes.
Jay Collier	3071 S. Bellaire Street Denver, CO 80222 303-810-9655 James.collier641@gmail.com	Worked with Dr. Malcolm Pitts.
Eli Skeans	11813 W. Marlowe Place Morrison, CO 80465 330-631-9994	Disclosures regarding Dr. Malcolm Pitts and Mr. Al-Murayri.
Ben Scott	+44 7715 618176 Benjamin_scot64@hotmail.com	Challenges regarding Dr. Malcolm Pitts and Mr. Al-Murayri.
Anfal Al-Kharji	P.O. Box 9758 Ahmadi Postal Code 61008 Kuwait +965 238 60057 akharji@kockw.com	Function of KOC EOR team.
Ravi Ravikiran	303-269-1755 rravikiran@snf.com	Regarding SNF meeting with Dr. Malcolm Pitts.
Jimmy Nesbit	Rue Adrienne Bolland Zac de Milieux 42160 Andrezieux, France +33 6 86 35 44 61 jnesbit@snf.com	Challenges with Dr. Malcolm Pitts and Mr. Al-Murayri.

<b>Name</b>	<b>Contact Information</b>	<b>Subject Matter</b>
Christophe Rivas	+33 6 1 9 27 15 02 crivas@snf.com	Challenges with Dr. Malcolm Pitts and Mr. Al-Murayri.
Jim Dillard	jimdillardsnf@aol.com	Surtek-SNF relationship.
Alexey Andrianov	+968 71513857 Alexey.andrianov@zlpam.ca	Co-authored paper(s) with Dr. Malcolm Pitts.
Mohammed Abdullah	mabdullah@utexas.edu	Assistant Professor at Kuwait University.  Knowledge regarding Defendants' acquisition of Plaintiff's trade secrets.  Use of Plaintiff's trade secrets for commercial purposes by Plaintiff's competitors, such as to build up KU Lab Services.  Knowledge of EOR industry.
Dr. Gary Pope	gpope@mail.utexas.edu	Former UT Austin Professor and long-time competitor of Surtek.  Worked with Dr. Delshad and Dr. Weerasoriya to form Ultimate EOR.  Commercial use of UTCHEM.  Knowledge of EOR industry.
Prakash Jadhav	+965 99 676 595 Prakash.jadhav@bakerhughes.com	Past Baker project manager.
Shweta Kakade	+965 97 274 907 Shweta.kakade@bakerhughes.com	Baker project manager.

<b>Name</b>	<b>Contact Information</b>	<b>Subject Matter</b>
Anirban Banerjee	Anirban.banerjee@bakerhughes.com	Co-authored paper(s) with Dr. Malcolm Pitts.
Carlos Mascagnini	Carlos.mascagnini@bakerhughes.com	Co-authored paper(s) with Dr. Malcolm Pitts.
Rafael Khamatdinov	Rafael.khamatdinov@bakerhughes.com	Co-authored paper(s) with Dr. Malcolm Pitts.
Muhammed Ali Chughtai	Muhammad.chughtai@bakerhughes.com	Co-authored paper(s) with Dr. Malcolm Pitts.
Lee Eichen	917-647-1554 Lee.eichen@centerboardgroup.com	AOT challenges with Dr. Malcolm Pitts.
Mike Maloney	Michael.maloney@centerboardgroup.com	AOT challenges with Dr. Malcolm Pitts.
Paul Workman	Paul.workman@kkcr.com	AOT challenges with Dr. Malcolm Pitts.
Brandon Freiman	Brandon.freiman@kkcr.com	AOT challenges with Dr. Malcolm Pitts.
Issa Shiekah	Issa.shiekah@shell.com	Shell documents.
Hosseini Kazemi	303-384-2072 hkazemi@mines.edu	Knowledge of EOR industry.

<b>Name</b>	<b>Contact Information</b>	<b>Subject Matter</b>
Bill O'Brien	303-570-3162 Wjebo2@gmail.com	Knowledge of EOR industry.
Jonathan Silvester	720-584-2273 jrsilvester@gmail.com	Management consultant.
Meshal Algharaib	+965 9982 8027 m.algharaib@ku.edu.kw	Kuwait University lab study.
Eric Delamaide	Eric.delamaide@ifp- canada.com	Knowledge of EOR industry.

**Plaintiff further names any person disclosed by Defendants or any non-parties, any person otherwise disclosed through discovery, any person identified in any document produced by any party in this matter, and any expert witness disclosed by Defendants.**

**Surtek's investigation and disclosure of persons with information relevant to this lawsuit and the subjects known to them (including those identified here) is ongoing. Surtek reserves the right to supplement, change, or modify this disclosure accordingly.**

(B) A copy — or a description by category and location — of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

**RESPONSE: Plaintiff identifies the following documents, data compilations, and tangible things in their possession, custody, or control, not privileged or protected from disclosure, that are relevant to the claims and defenses of any party. Plaintiff will provide copies of any such documents, including confidential information subject to terms of any stipulated protective order.**

- 1. Stock Purchase Agreement dated July 3, 2019.**
- 2. NDA Agreement for Dr. Malcolm Pitts.**
- 3. Emails and other correspondence to and/or from Defendant(s) and/or other individuals with knowledge of relevant facts, including**

- those emails identified in the Amended Complaint, and in particular those identified in paragraphs 50 (a)-(f), 51, 84, and 86.
4. Documents that demonstrate the trade secrets that are further described by Plaintiff's live pleadings.
  5. Documents and communications demonstrating the relationship between Dr. Mohammed Al-Murayri, KOC, Dr. Malcolm Pitts, and Plaintiff.
  6. Documents demonstrating the relationship between Plaintiff, KOC and Kuwait University.
  7. Documents demonstrating the business relationship between Plaintiff and KOC.
  8. Documents demonstrating Defendant UT Austin's commercial activity in the EOR industry.
  9. SPE abstracts and papers, including: M.B. Abdullah, M. Delshad, K. Sepehrnoori, M.T. Balhoff, J.T. Foster, and M.T. Al-Murayri, Physics-Based and Data-Driven Polymer Rheology Model, 28 SPE J. 1857, 1857 (2023).
  10. Documents produced between the parties in the "Pitts Lawsuit" as that term is defined in the Plaintiff's live pleadings.
  11. Documents provided to Plaintiff by Defendant UT Austin in response to Plaintiff's public records request.
  12. Any document disclosed by Defendant or any non-parties.
  13. Any document otherwise disclosed through discovery.
  14. Any document produced in discovery in this matter.
  15. Any document relied upon by any expert in this matter.
  16. Any document necessary for impeachment or rebuttal.

(C) A computation of each category of damages claimed by the disclosing party — who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:

**RESPONSE: Plaintiff seeks prospective injunctive relief in this action.**

**Plaintiff discloses that it seeks compensatory damages in an amount equal to just compensation for the unconstitutional taking of its trade secrets in the related state court action (D-1-GN-25-004044, *Surtek, Inc. v. Delshad et al.*; Filed in Travis County, Texas). Currently, Plaintiff estimates the value of these compensatory damages to be in excess of \$5,000,000.**

**In this proceeding, Plaintiff is seeking prospective injunctive relief under the DTSA against the Defendants to enjoin their continuing violations of federal law.**

**Plaintiff reserves the right to supplement the foregoing computations as discovery proceeds.**

(D) For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment:

**RESPONSE: None to Plaintiff's knowledge.**

Respectfully submitted,

/s/ Benjamin D. Evans

Benjamin D. Evans

State Bar No. 24081285

bevans@cstrial.com

Ashley N. Morgan

State Bar No. 24091339

amorgan@cstrial.com

**CAIN & SKARNULIS PLLC**

303 Colorado Street, Suite 2850

Austin, Texas 78701

512-477-5000

512-477-5011—Facsimile

**ATTORNEYS FOR SURTEK, INC.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been forwarded to all parties and counsel of record in accordance with Federal Rules of Civil Procedure on July 3, 2025.

<b>Method of Service</b>	<b>Party</b>	<b>Counsel</b>
<b><i>Electronic Service</i></b>	Defendants	William H. Farrell Assistant Attorney General General Litigation Division Office of the Attorney General P.O. Box 12548, Capitol Station Austin, Texas 78711-2548 Biff.farrell@oag.texas.gov

/s/ Benjamin D. Evans  
Benjamin D. Evans